IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

LA.App..No. 237 of 2004(D)

LAR.126/1994 of III ADDL.SUB COURT, ERNAKULAM
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APPELLANT:

AMMINI, W/O. GEORGE, PLAKKIL HOUSE,
P.O. KANAYANNUR, VIA. CHOTTANIKKARA.

BY ADV. SRI.M.P.ABRAHAM (SR.)
SRI.GEORGIE SIMON
SRI.JOSHI MATHEW

RESPONDENTS:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

C.M.Appln.No.557/04 in L.A.A.No.237 of 2004

Dated 23rd May, 2007.

O R D E R

Kurian Joseph, J.

This is a petition to condone the delay of 2669 days in filing the appeal. We have already dismissed another application filed by the petitioner herself, by order dated 6.2.2007 in C.M.Application No.558/04 in L.A.A.238/04. Though all the reasons in the said order would apply to this case also, at the risk of redundancy , we may deal with the averments in this affidavit as well. According to the petitioner, there is no wilful default or laches on her part in filing the appeal within time. For condonation of such a long delay, what is stated by the petitioner in the affidavit is only thus :-

> "I am suffering from severe Arthritis from 1995 onwards and I am having severe pain for the legs and hands. There was real difficulty for me to walk or to do any normal work because of the acute pain on the legs. I have been suffering from intense pain and difficulties due to chronic Arthritis. I was undergoing a long term treatment. I was relieved to some extent only by April, 2004. I was unable to arrange the filing of the Appeal due to disease and consequent physical disability. I could not enquire regarding the filing of the Appeal and that I was unable to ascertain the date of filing the appeal."

We are afraid, the petitioner has not made out a case for condonation of such a long delay. The judgment and decree is of

the year 1996. Admittedly, the petitioner has applied for certified copy only in February 2003. The copy was delivered on 2.4.2003 and thereafter, the appeal is filed only in April, 2004. Apart from the allegation that she was suffering from Arthritis, no satisfactory explanation is offered for such a long delay of 2669 days, either in taking prompt action for certified copy or in filing the appeal even after receipt of the certified copy. Thus, we do not find any justifiable reason for condonation of the delay of 2669 days. The application is dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

L.A.A.No.237 of 2004

Dated 23rd May, 2007.

J U D G M E N T

Kurian Joseph, J.

In view of the order in C.M.Application No.557/04, this appeal is dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

tgs

KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 23rd May, 2007.